

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:08CV216-3-MU**

DUDLEY LEVON SKIPPER;)	
JAMES E. WHALEY,)	
)	
Plaintiffs,)	
)	
v.)	<u>O R D E R</u>
)	
OFFICE DOVER; OFFICER DEGREE;)	
OFFICER PATTSON,)	
)	
Defendants.)	
)	

Plaintiffs seek leave to file this 42 U.S.C. §1983 Complaint in forma pauperis. In their Complaint, Plaintiffs allege that the Defendants harass them by slamming the flap to their cell many times a day.

Pursuant to 28 U.S.C. § 1915(g), a prisoner may not bring a civil action under this statute, if on three or more occasions, he has brought an action or an appeal in the federal court that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g). Court records indicate that both Plaintiffs have filed at least three previous cases in this Court which have been dismissed for failure to state a claim for relief.¹

Accordingly, Plaintiffs are barred from filing this action in forma pauperis, and this suit is dismissed under 28 U.S.C. §1915(g).

¹ See 1:08cv126; 1:08cv142; 1:08cv170; 1:08cv125; 1:08cv152; 1:08cv169.

SO ORDERED.

Signed: June 2, 2008



Graham C. Mullen
United States District Judge

